

**REMARKS**

This submission is in response to the Official Action dated April 20, 2004. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

**I. Status of the Claims**

Claims 35 and 36 have been added.

Claims 1-3, 17-22, and 34 have been amended.

No new matter is added.

Claims 1-36 are presently pending.

Claims 4-16 and 23-32 have been withdrawn from consideration in accordance with the Examiner's restriction requirement.

Claims 1-3, 17-22, 33, and 34 stand rejected.

**II. Telephone Interview**

Applicant thanks Examiner Hansen for all of the courtesies extended in the telephone interview held on May 25, 2004, with Denise L. Poy. Applicant also thanks the Examiner for discussing the objection of the drawings and the rejection of the claims over the cited prior art. Per the Examiner's suggestion, Applicant is presenting the arguments expressed in the May 25, 2004 telephone interview in the present remarks.

**III. Status of the Drawings**

The Examiner has objected to the drawings for not showing the feature of "said adjusting mechanism permitting said adjustment without changing said one dead center position while changing the other" set forth in claim 33. As explained during the telephone interview of May 25, 2004, the adjusting mechanism 10 is clearly described, for example, on page 13, line 7, and

page 15, line 1, of the Specification and shown in Figs. 1-3, for example. Applicant respectfully requests the above objection be withdrawn.

#### **IV. Status of the Claims**

In the telephone interview of May 25, 2004, the Examiner advised that the claims should be examined carefully to make sure that there is sufficient antecedent basis for each of the features in the claims. Specifically, he advises that the recited means should be clearly distinguished between "means for adjusting", "adjusting means", and "adjustment" and "means for guiding", "guiding means", and "guiding displacement." The Examiner further proposed amending "guiding means" to "means for guiding said slide drive device" and amending "adjusting means" to "means for adjusting said slide drive device" throughout the claims to clarify that these terms refer to identical features of the invention. The Examiner stated that these aspects of the invention are not clear in the present claims. Applicant has carefully examined the claims to carefully distinguish the features noted by the Examiner.

#### **V. 35 U.S.C. § 112 Rejection**

The Examiner has rejected claim 33 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Examiner states that it is unclear how one of the two dead center positions can be modified without changing the other. During the telephone interview of May 25, 2004, the Examiner requested that Applicant explain how the top dead center is adjusted without adjusting the bottom dead center. Fig. 3 shows how the top dead center position is modified using the adjusting mechanism 10 without modifying the bottom dead center position. Furthermore, a description of how one of the dead center positions is modified without changing the other is clearly described in the Specification, e.g., page 15, line 25, to page 17, line 16.

Specifically, a slope angle is adjusted as a guide board 14 is pivoted so that during the operation of the press machine, a slider 13 slides within a groove 15 in the guide board 14 in the direction of the slope angle. Fig. 3 shows how the top dead center changes as the bottom dead

center stays the same when the slope angle is set at approximately  $32^\circ$  ( $\alpha$ ) and when the slope angle is set at approximately  $10^\circ$  ( $\beta$ ). As the slope angle changes, the connecting rod 11, connecting link 26, the slider 23, the branching links 27, the upper toggle links 30, and the lower toggle links 40 move so that the position of the connecting pin 37 changes between position 37a for slope angle  $\alpha$  and position 37b for slope angle  $\beta$ . The bottom dead center remains at the same position.

The Examiner has also rejected claim 33 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that the negative recitation, "said adjusting mechanism permitting said adjustment without changing said one dead center position" has no basis in the Specification. However, the Specification, on page 15, line 25, to page 16, line 14, and page 17, lines 3-16, states that the guide board is adjusted so that the slope angle of the groove 15 becomes a slope angle  $\beta$ , and as a result, the position of the top dead center changes without changing the position of the bottom dead center. Thus, the negative recitation is clearly stated in the Specification.

Based on the foregoing, Applicant respectfully requests that the rejection of claim 33 be withdrawn, and reconsideration is respectfully requested.

#### **VI. 35 U.S.C. § 102(b) Rejection**

Claims 1-3, 17-22, 33, and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,860,318 to Thomas. Applicant respectfully traverses this rejection, and reconsideration is respectfully requested.

Thomas discloses a stroke adjustment device for pickling machines in which the stroke length of needle carrier 12 can be varied by suitably adjusting coupling point 32. Thomas' lower dead-point position remains the same as the height of the upper dead-point position is changed and the stroke length is adjusted (Thomas, column 3, lines 42-47).

Regarding claim 1, Applicant disagrees with the Examiner's contention that Thomas' connecting link 34 transfers a guiding displacement to Thomas' joint rod 30. The Examiner contends that we have mistakenly referred to the element of Thomas' invention that serves as the connecting link of the present invention as having reference number "34"; however, Thomas' reference number 34 refers to Thomas' "connecting link." The Examiner states that Thomas' reference number 34 indicates a drive branching link, Thomas' reference number 16 indicates a means for guiding the slide drive device, and Thomas' telescoping guide near Thomas' reference number 16 serves as a means for guiding the slide drive device. However, the component that the Examiner contends is the drive branching link is not located in the component that the Examiner contends is the means for guiding the slide drive device, as set forth in claim 1. Thus, Thomas does not disclose all of the elements of the present invention, as set forth in claim 1. Claims 2 and 3 depend from claim 1 and are therefore also patentable for at least the same reasons.

Regarding claim 17, Applicant disagrees with the Examiner's contention that Thomas discloses a means for adjusting the slide drive device that is pivotable *about a specified angle* to adjust a stroke of the slide. The Examiner contends that Thomas' drive mechanism 14 serves as a means for adjusting the slide drive device. However, Thomas' joint at coupling point 32 "can be adjusted in a slot-shaped connecting link 34 of the intermediate lever serving as a guide..." Thus, Thomas' joint at the coupling point 32 serves to adjust the stroke of the slide. Thomas' joint is not pivotable about a specified angle; instead, it is moved along a slot-shaped link 34. Thus, unlike the means for adjusting the slide drive device of the present invention, the angle of Thomas' joint is irrelevant and *does not have to be specified*. Thus, Thomas does not disclose all of the elements of the present invention, as set forth in claim 17. Claims 18-22 and 34 depend from claim 17 and are therefore also patentable for at least the same reasons.

Regarding claim 33, Applicant disagrees with the Examiner's contention that Thomas discloses an adjusting mechanism. The adjusting mechanism of the claimed invention permits adjustment of the slide to change one dead center position of the slide without changing the other dead center position and is pivotable about a center position to adjust a stroke of said slide.

Thomas does not disclose an element that is capable of permitting the adjustment of the slide and that is pivotable about a center position to adjust a stroke of the slide. Thus, Thomas does not disclose all of the elements of the present invention, as set forth in claim 33.

Based on the foregoing, the rejection of claims 1-3, 17-22, 33, and 34 under 35 U.S.C. § 102(b) should be withdrawn, and reconsideration is respectfully requested.

### CONCLUSION

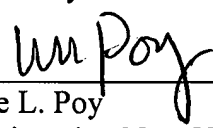
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: July 8, 2004

Respectfully submitted,

By

  
Denise L. Poy

Registration No.: 53,480

DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicants